



SPECIAL MEETING MINUTES
for
June 2, 2003, 6:00 p.m.
Art Pick Council Chambers
3900 Main Street, Riverside, CA

Present: Commissioners Davidson, Garcia, Gardner, Howe, O'Meara, Percy, and Ward

Absent: Commissioners Brewer and Huerta

Pledge of Allegiance

Roll Call

Chairman Gardner noted that Item 4 would precede Item 3 on the agenda. He also introduced new CPRC commissioner Brian Percy and the two new alternates, Sheri Corral and Dr. Bonavita Quinto.

Public Comment

There was no public comment regarding items not on the agenda.

Briefing by RPD Regarding the Death of Volne L. Stokes

Capt. Dave Dominguez, commanding officer of RPD's Investigations Division, briefed the Commission regarding the death of Volne L. Stokes on May 27, 2003. The incident involved Officers Tina Banfill and Adam Brown. Using photos of the scene, Capt. Dominguez described the incident scenario. He concluded by saying that the case is still under investigation.

Public Comment on Item 3

Mary Shelton

Ms. Shelton said that in 1998 there were seven (officer-involved) shootings in Riverside, four of which were fatal, and said it seems like "we're back there" with four fatal shootings and three or four non-fatal shootings since October 2002. She also expressed concern "that we keep coming back here" to deal with shootings, including several involving subjects with knives.

She noted that the deceased "managed to stay alive in Casa Blanca for a few days," but was dead within four minutes of the police arriving. She also expressed concern about stray bullets from an officer's gun going into a house, saying it was a "situation where it was more dangerous" after the officers arrived than it was before. Ms. Shelton also commented on the fact that subjects' prior records are known and made public but that because of privacy laws, nothing is ever known about the officers.

Chani Beeman

Ms. Beeman said that the thing that most concerned her about this incident was the amount of time that elapsed between initial contact and the death of Mr. Stokes. She also expressed concern about police tactics. She expressed concern over Officer Banfill approaching a stolen car without backup or backup with less-lethal weaponry. She questioned whether the officers' actions unnecessarily escalated the situation, not to second-guess the officers, but to learn how to proceed in future situations.

Ms. Beeman asked if it was blood seen in the photos shown of the subject's weapons. After being told that it was blood, she said that her "suspicion is there's something else going on here that we aren't necessarily being told." She said there is information that the public doesn't have and that raises the concern of the public.

James Martin

Mr. Martin said that one point that was brought up by the Mayor's Use of Force panel was that the police needed to respect human life. He said that, at that time, he thought that was "ridiculous...that is a foregone conclusion that we respect human life." But he said he believes, given everything that has happened since then, the "Police Department does not respect human life; not in the least. At the slightest provocation, the Police Department is willing to take a life - just like that."

Maurice Sinclair

He said that, as a homeless person, he is being harassed by unknown people and he doesn't know why.

Chairman Gardner advised Mr. Sinclair that if he, at some point, determined that a person harassing him was a sworn member of the Riverside Police Department, the Commission would have jurisdiction over that and a complaint could be filed with the Commission or through the Police Department.

Ralph Avila

Mr. Avila said that about seven days ago a relative noticed that there were "a lot of police cars paying attention" to his house, driving around without headlights and "zooming" down the street. Mr. Avila said he felt that he is the subject of some type of investigation and wondered if it had to do with his "solicitation of an investigation on the Janine Stover case" that occurred a few years ago.

Mr. Avila said that the environment in which he lives where the Police Department is "participating in this kind of covert way" of letting him know he is on their "list." He also said he has been subject to harassment by being ticketed for taking a shopping basket containing his groceries. He said that if he is being targeted, he would like to know so he could at least have his day in court.

Chairman Gardner closed public comment.

Before turning the meeting over to commissioner comments, Chairman Gardner observed that many people had unanswered questions and this briefing was not to answer all the questions, but to get some facts out to the Commission and the public regarding the events that occurred on May 27. He noted that more information would be coming to the Commission and if there are questions the Commission feels have not been adequately addressed in these reports, the Department can be asked to provide the answer or the Commission can ask its independent investigator to seek the answer to the question(s).

Chairman Gardner said there would be much more information coming to the Commission before it would make any decision on whether or not the shooting was within policy. He then asked for commissioner comments.

Commissioner Garcia asked if, in the neighborhood canvas after the incident, residents felt so uncomfortable due to the incident that they needed counseling assistance. He also asked if Officer Brown

was Officer Banfill's backup or partner.

Capt. Dominguez said he wasn't sure he understood the first question, but said that Officers Brown and Banfill were both dispatched and working in the area with Officer Banfill being dispatched first.

Commissioner Garcia restated his first question asking if residents were asked or offered counseling because of the incident. Capt. Dominguez said he didn't have an answer to that question, but said he knew the area commander had conducted outreach in the community. He also noted that both officers were dispatched at 1:32 p.m.

Commissioner Ward said he felt the Commission should look at its investigative process. He said that this is his fourth officer-involved shooting and that he feels he doesn't know any more when all the case books are presented to the Commission than he does after RPD's briefing. He said that all the information the Commission receives comes from the Police Department. He also feels that "even our own investigation is wanting."

Commissioner Ward said that he spoke to the city attorney and asked if the Commission was an "administrative arm of the City" or criminal and he was told that the Commission is an administrative arm. He noted that the Commission is given the criminal case book, while the information that is needed, the administrative information, is withheld. He said that "we are an administrative arm and the information that we need administratively is held from us. The information that we need to make the decisions that we need to make primarily comes, in my opinion, from the officers involved in the shooting and the officers that are involved in the shootings are protected from this commission. And how can we investigate something if we don't have access to the information we need to make the decision?" He concluded by saying that he felt it was time to address that issue.

Chairman Gardner noted that there are two parallel investigations conducted in this type of incident: a criminal investigation and an Internal Affairs investigation that looks at policy issues. He said that the Commission will receive the IA investigation. He noted that the difference between the two investigations was that the criminal investigation is less protected under the Police Officers' Bill of Rights than the administrative investigation.

Commissioner Ward said he understood the difference between the two investigations, but said he didn't understand why the Commission has to wait six months for the criminal investigation when the administrative investigation is already complete.

Commissioner O'Meara asked Capt. Dominguez if the reporting party and the eye-witness were the same person. Capt. Dominguez said that a park employee was the reporting party and the witness was in the car behind. Commissioner O'Meara also asked if it was the witness that had his windows rolled up and his A/C turned on. Capt. Dominguez said yes.

Chairman Gardner entertained a motion to adjourn, which was moved by Commissioner Ward and seconded by Commissioner Garcia.

The Commission adjourned at 6:55 p.m.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist